

1 Michael S. Biggs (SBN. 237640)  
BIGGS LAW PC  
2 PO Box 454  
Petaluma, CA 94953-0454  
3 Telephone: (707) 763-8000  
Facsimile: (707) 763-8010  
4

5 Attorney for Plaintiffs  
HEATH THOMPSON and MARANDA THOMPSON  
6

7 UNITED STATES DISTRICT COURT  
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
9

10 HEATH THOMPSON and MARANDA  
11 THOMPSON,  
12 Plaintiff(s),

13 v.

14 ROBERT OANDASON, OANDASON  
15 REALTY AND MICHAEL FLOREZ,  
16 Defendant(s).  
17 \_\_\_\_\_ /

Case No.: C 08 – 02274 JL

**PLAINTIFFS' EX-PARTE  
APPLICATION AND SUPPORTING  
DECLARATION  
OF MICHAEL S. BIGGS  
TO MODIFY  
ORDER SETTING INITIAL CASE  
MANAGEMENT CONFERENCE AND  
ADR DEADLINES**

Date: Ex-Parte  
Time: Ex-Parte  
Judge: LARSON

18  
19 I, Michael S. Biggs, declare as follows:

20 1. I am an attorney duly licensed to practice law in all courts of the State of California and  
21 before the United States District Court for the Northern District of California and I am the  
22 attorney of record for plaintiffs HEATH THOMPSON and MARANDA THOMPSON.  
23

24 2. Plaintiff hereby moves the Court to grant an Ex Parte Motion to modify order setting  
25 initial case management conference and ADR deadlines.  
26

27 ///

1 3. Defendants ROBERT OANDASON and MICHAEL FLOREZ have not filed answers or  
2 responsive pleadings in this matter.

3 4. On July 2, 2008 I was contacted by attorney Myles Dresslove on behalf of OANDASON  
4 and asked to provide a settlement proposal for claims against OANDASON.

5 5. Per Dressloves's request I agreed not to default OANDASON through July 31, 2008 pending  
6 settlement negotiation.

7 6. I advised attorney Dresslove that an extension on answer or responsive pleadings requires a  
8 signed stipulation filed with the Court and that he must cooperate in that regard.

9 7. On June 30, 2008 I was contacted by attorney Obninsky on behalf of FLOREZ  
10 and asked to provide an extension for FLOREZ to answer or file responsive pleadings in this  
11 matter.  
12

13 8. Mr. Obninsky stated he did not practice litigation of the sort contemplated in this case and  
14 that FLOREZ was looking for an attorney who would represent him.

15 9. On the facts in this case as is current it would be judicially non-economical to default and  
16 seek default judgment on either defendant who once having hired counsel could motion to set  
17 aside.  
18

19 10. If defendants do not hire counsel and or answer by August 15<sup>th</sup> 2008 plaintiff would move to  
20 enter default and default judgment.  
21

22 **I declare under penalty of perjury under the laws of the United States that the foregoing is**  
23 **true and correct. This declaration was on the 14<sup>th</sup> day of July, 2008, executed in Petaluma,**  
24 **California.**

25 Respectfully Submitted,

/S/ Michael S. Biggs

26 Michael S. Biggs, Attorney for Plaintiffs  
27 HEATH THOMPSON and  
28 MARANDA THOMPSON

**ORDER**

The SCHEDULING ORDER as to SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES shall be revised to put over meet and confer and initial disclosure requirements until after September 30, 2008. Initial Case Management Conference to be held October 8, 2008.

IT IS SO ORDERED.

Dated: July 15, 2008



Judge of the United States District Court  
Northern District of California